

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TESSA KNOX, :  
Plaintiff, :

-against- : 17 Civ. 772 (GWG)

JOHN VARVATOS ENTERPRISES, INC., : ECF Case

Defendant. :  
-x

JOINT REQUESTS FOR VOIR DIRE

Pursuant to Rule 47 of the Federal Rules of Civil Procedure and the Individual Practices of the Court, (i) plaintiff Tessa Knox, the 13 opt-in plaintiffs, and the class that the Court certified on February 21, 2018 (collectively, “Plaintiffs”), and (ii) defendant John Varvatos Enterprises, Inc. (“Varvatos”), jointly request that the Court ask the following questions of potential jurors, unless otherwise indicated below.

1. Have you heard or do you know anything about this case prior to coming to this Court Room today? Please describe. Have you formed an opinion or any thoughts on this case based on this prior knowledge?
2. Do you feel, for any reason, that you could not decide fairly and impartially a case involving allegations such as the ones I have described?
3. Do any of you know the attorneys in this case?
4. Do you know any of the following people in this case?
  - a. Plaintiff and Class Representative, Tessa Knox
  - b. Other Plaintiffs (non-exhaustive list)

- i. Cheryl Somekh-Crouchen
- ii. Ruby Romero
- iii. Pamela Kassen
- iv. Hillary Crandle
- v. Michele Ortiz
- vi. Laurentina Chaparro
- vii. Joy Fusaro
- viii. Alyssa Hickey
- ix. Margaret Holcomb
- x. Tripti Pandey
- xi. Wijdan Shoubaki
- xii. Jena Tobak
- xiii. Christina Torres
- xiv. Arissia Tossetti

c. Witnesses (not covered above)

- i. Nicole Chang
- ii. Benjamin Harris
- iii. Gerard Mayorga
- iv. Stephen Shears
- v. Michael Graham
- vi. Ann Byron
- vii. Guy Sommerhalder

5. Have you ever worked at Varvatos, or do you know anyone who has worked at Varvatos?
6. Have you ever shopped at a Varvatos store? If so, how often? For what types of items?
7. Have you ever shopped on the Varvatos website? If so, how often? For what types of items?
8. Have you ever purchased a Varvatos item? What?
9. What is your highest level of education?
10. What was the name of the school that you last attended?
11. In what year did you finish your education?
12. What is your occupation?
  - a. Who is your current employer?
  - b. How long have you held this position?
  - c. If retired, what did you do before retirement?
13. Have you ever worked for, or do you know anyone who has worked for a government equal opportunity, labor department or agency, such as the Equal Employment Opportunity Commission or EEOC, the New York State Division of Human Rights, the New York City Commission on Human Rights, the U.S. Department of Labor or the New York State Department of Labor?
14. Have you ever worked in a clothing store? Which one? How long? In what capacity?
15. Have you ever worked in retail or sales? Which store? How long? In what capacity?

16. Have you, a family member or close friend been required to wear any particular clothes or types of clothes at a job? If so, please describe.
17. Who do you live with, if anyone?
18. What do each of those people you live with do?
19. Do you have any children? Please tell us what they do.
20. What brands of clothing do you usually wear?
21. Where do you shop for your clothing?
22. How much would you estimate you spend on clothing you wear to work in a year?
23. How much would you estimate you spend on clothes in a year?
24. Have you, a family member or a close friend ever experienced discrimination? Please tell us the circumstances and what happened.
25. Have you, a family member or a close friend ever experienced discrimination in the workplace in particular? Please tell us the circumstances and what happened.
26. Have you, a family member or a close friend ever been accused of discrimination in the workplace? Please tell us the circumstances and what happened.
27. Have you ever witnessed what you believe to be discrimination at a workplace? Please tell us the circumstances and what happened.
28. **[Defendant's question]** This case involves allegations of pay discrimination by female plaintiffs against their employer. Does that fact alone cause you to feel you cannot be fair or impartial in deciding this case? **[Plaintiffs object because this unnecessarily repeats the question about whether the prospective juror would follow the Court's instructions on the law.]**

29. **[Defendant's question]** Do you believe that if a plaintiff files a lawsuit claiming pay discrimination, discrimination must have occurred? **[Plaintiffs object because this unnecessarily repeats the question about whether the prospective juror would follow the Court's instructions on the law.]**

30. Have you, a family member or a close friend ever been the plaintiff in a lawsuit? Please describe.

31. Have you, a family member or a close friend ever been the defendant in a lawsuit? Please describe.

32. Have you, a family member or a close friend ever been a witness at a trial? Please describe.

33. **[Defendant's question]** Have you, a family member or close friend ever been in a dispute with an employer? If so, did you, your family member or close friend ever file a formal complaint? Please tell us the circumstances and what happened. **[Plaintiffs object because "disputes" with employers could be understood to include any disagreement. Other questions address lawsuits and discrimination.]**

34. **[Defendant's question]** Is there anything about this case that reminds you of anything in your life that we have not already discussed? Please describe. **[Plaintiffs object because this is too open ended.]**

35. Have you ever served on a jury before? When? What type of case? Who were the parties? In what court – state or federal? Was a verdict reached? In favor of which party?

36. Do you get any news from television? If so, which channel do you watch the most for news?
37. Which newspaper do you read the most, if any?
38. Which magazines do you read the most, if any?
39. What Internet sites do you regularly visit, if any?
40. Do you have a smartphone?
41. Do you belong to any associations, clubs or unions?
42. Assuming that applying the law I give you to the facts of this case, you find in favor or plaintiffs. In that event, would you have any personal beliefs that would prevent you from imposing a monetary penalty on a defendant?
43. Assuming that applying the law I give you to the facts of this case, you find that there was no discrimination. In that event, do you have any personal beliefs or preferences that would prevent you from giving a verdict against the plaintiffs and in favor or Varvatos?
44. Are you prepared to apply the law as I relay it to you, and not as you believe it should be?

Dated: New York, New York  
April 25, 2019

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